

# **EXHIBIT 3**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE )  
ANTITRUST LITIGATION )  
 ) No. 11-CV-2509-LHK  
THIS DOCUMENT RELATES TO: )  
ALL ACTIONS. )  
\_\_\_\_\_ )

CONFIDENTIAL - ATTORNEYS' EYES ONLY  
VIDEO DEPOSITION OF MARK BENTLEY  
August 23, 2012

REPORTED BY: GINA V. CARBONE, CSR NO. 8249, RPR, CCRR

05:41:44 1 A. 268 or 278?

05:41:47 2 Q. I'm sorry.

05:41:48 3 A. Oh, sorry. 268 is the exhibit. Okay.

05:41:52 4 Q. Yeah. I'm sorry, sir.

05:41:52 5 A. That's all right. Page 278?

05:41:54 6 Q. No. **Exhibit 268**, the first page, 9277.

05:41:57 7 A. Okay.

05:41:58 8 Q. Do you see there is a reference in

05:42:01 9 Ms. Montesino's email to a functional job matrix?

05:42:06 10 It's about a third of the page down.

05:42:11 11 A. I do see that.

05:42:13 12 Q. What's a functional job matrix?

05:42:17 13 A. I believe it's what we were just looking at in

05:42:21 14 the back attachments.

05:42:25 15 Q. Fair enough. Now, she also refers to a

05:42:27 16 staffing wiki. Do you see that?

05:42:32 17 A. I do see that.

05:42:33 18 Q. What's a staffing wiki?

05:42:35 19 A. A staffing wiki is basically -- they're

05:42:42 20 internal -- it's an internal intranet, if you will, that

05:42:45 21 we used in staffing to keep information on that we could

05:42:50 22 share.

05:42:51 23 Q. Did it include information regarding

05:42:54 24 compensation or compensation levels?

05:42:58 25 A. According to this email, I believe it included

05:43:01 1 the matrix that we see at the back of this attachment.

05:43:04 2 Q. And are the -- is the path information  
05:43:17 3 regarding the staffing wiki and guidelines set forth in  
05:43:21 4 Ms. Montesino's email?

05:43:25 5 A. Is the path guideline?

05:43:27 6 Q. I'm sorry. She writes, "The staffing wiki is  
05:43:29 7 http://," and there is path information. Do you see  
05:43:34 8 that?

05:43:37 9 MR. RILEY: I think he's getting hung up on  
05:43:39 10 "path."

05:43:39 11 MR. SAVERI: Q. I'm sorry. Maybe I'm  
05:43:42 12 using the wrong word.

05:43:44 13 A. There is a URL address.

05:43:46 14 Q. I'm sorry. Is that the URL address for the  
05:43:48 15 staffing wiki where it could be found on the Apple  
05:43:51 16 intranet?

05:43:52 17 A. Based on what this email is saying, this -- I  
05:43:55 18 believe it is.

05:43:58 19 Q. Okay. I'm done with that one.

05:44:32 20 (Whereupon, Exhibit 269 was marked for  
05:44:32 21 identification.)

05:44:38 22 MR. SAVERI: Q. I've handed you what's  
05:44:48 23 been marked as 269. It's an email with the numbers  
05:44:52 24 231APPLE010371 to 373. Do you have that in front of  
05:44:58 25 you?

05:45:00 1 A. I do have this in front of me.

05:45:03 2 Q. Do you recognize this document?

05:45:04 3 A. Can I take a few minutes to read it, please.

05:45:09 4 Q. Please do.

05:45:09 5 You'll note at the top of the first page there

05:45:11 6 is an email from you to Mr. Cook. Do you see that?

05:45:15 7 A. I do see that.

05:45:16 8 Q. Please take a moment to look at the document.

05:48:45 9 A. Okay.

05:48:46 10 Q. Do you recognize this document?

05:48:50 11 A. I do recognize this email.

05:48:53 12 Q. Could you tell me what it is?

05:48:55 13 A. Looks like it's an email that I had put

05:49:00 14 together for Tim Cook, who was my interim manager at the

05:49:06 15 time, setting up the request for possibly adding

05:49:14 16 additional headcount to my organization.

05:49:17 17 Q. Did you write this email to Mr. Cook on or

05:49:19 18 about March 15th, 2010?

05:49:25 19 A. It does look like it was about that time.

05:49:27 20 Q. Were you serving, at that time, as the interim

05:49:32 21 HR director at Apple?

05:49:37 22 A. I believe I was still in the interim HR role.

05:49:41 23 Q. Now, about a third to halfway down the first

05:49:44 24 page, you identify -- let me just ask you. Do you see

05:49:53 25 the reference to 2008 total and 184 people? Do you see

05:49:58 1

that?

05:49:58 2

A. I do see that.

05:50:01 3

Q. And what do those figures represent?

05:50:04 4

A. I believe I call it out in the email somewhere

05:50:06 5

in there. But those are -- that's the total headcount

05:50:11 6

of my staffing organization at that time.

05:50:14 7

Q. Does this show how many people Apple employed

05:50:17 8

in 2008 to handle recruiting?

05:50:21 9

MR. RILEY: Objection. Question is vague.

05:50:27 10

THE WITNESS: I don't believe that this

05:50:31 11

includes the exec search team.

05:50:35 12

MR. SAVERI: Q. So the exec search team

05:50:36 13

would be in addition to these figures. Is that

05:50:38 14

correct?

05:50:39 15

A. Yeah. Give me a moment to just reread this --

05:50:42 16

Q. Sure.

05:50:42 17

A. -- to make sure that I'm not missing it.

05:50:44 18

Q. Yeah.

05:51:02 19

A. I believe I'm mistaken. I did include the exec

05:51:05 20

search team in that number.

05:51:09 21

So I'm sorry, your question was.

05:51:11 22

Q. My question was, does this show how many people

05:51:14 23

Apple employed to handle recruiting in 2008?

05:51:18 24

A. Well, it's somewhat ambiguous. Because this

05:51:21 25

referred to the internal people that we had, but we did

05:51:26 1 have external relationships too.

05:51:28 2 Q. Okay. So is it fair to say that this

05:51:31 3 accurately sets forth how many people Apple employed

05:51:33 4 internally to handle recruiting in 2008?

05:51:37 5 A. Based on what this email -- I've outlined in

05:51:40 6 this email, that is correct.

05:51:43 7 Q. And you also include figures for 2009 and 2010.

05:51:46 8 Do you see that?

05:51:48 9 A. I do see that.

05:51:49 10 Q. And to the best of your recollection, those  
05:51:52 11 were accurate counts of how many people Apple employed  
05:51:56 12 to handle recruiting internally?

05:51:59 13 A. To the best of my knowledge, to handle  
05:52:03 14 recruiting internally.

05:52:04 15 Q. How many -- in addition to these people, how  
05:52:07 16 many people did Apple employ to handle recruiting, I  
05:52:11 17 guess, externally during these particular years?

05:52:16 18 A. That was fairly dynamic, and it would depend on  
05:52:18 19 what ramps may have been going on, either in a certain  
05:52:22 20 part of the world and/or from a functional discipline  
05:52:25 21 standpoint.

05:52:26 22 Q. Can you give me a sense, just by order of  
05:52:29 23 magnitude, how that number would relate to the figures  
05:52:32 24 that you set forth here?

05:52:34 25 MR. RILEY: Objection. The question is

05:52:35 1 overbroad and vague.

05:52:38 2 THE WITNESS: I can't. Because in many cases I  
05:52:42 3 didn't have direct knowledge of exactly how many people  
05:52:45 4 were actually supporting recruiters externally that were  
05:52:51 5 working for us or on our behalf.

05:53:32 6 MR. SAVERI: Q. Could we go back to  
05:53:34 7 Exhibit 268 again, please. I have a couple more  
05:53:50 8 questions about the tables at the back.

05:54:14 9 When Apple set -- well, let me ask this  
05:54:17 10 question generally. Did Apple determine adjustments to  
05:54:25 11 employee compensation on an annual basis?

05:54:29 12 MR. RILEY: Excuse me. I'm going to ask them  
05:54:33 13 to quiet down.

05:54:33 14 MR. SAVERI: Let's go off the record while  
05:54:35 15 Mr. Riley is going to tell everybody to pipe down.

05:54:39 16 THE VIDEOGRAPHER: The time is 5:54 p.m. We're  
05:54:41 17 going off the record.

05:54:53 18 (Recess taken.)

05:55:59 19 THE VIDEOGRAPHER: The time is 5:55 p.m. We're  
05:56:02 20 back on the record.

05:56:03 21 MR. SAVERI: Q. I don't know if there was  
05:56:04 22 a question pending, but let me withdraw it. Let me  
05:56:07 23 just ask you this question.

05:56:08 24 With what frequency did Apple change its  
05:56:18 25 compensation levels for its employees? Was it done



1 I, Gina V. Carbone, Certified Shorthand  
2 Reporter licensed in the State of California, License  
3 No. 8249, hereby certify that the deponent was by me  
4 first duly sworn and the foregoing testimony was  
5 reported by me and was thereafter transcribed with  
6 computer-aided transcription; that the foregoing is a  
7 full, complete, and true record of said proceedings.

8 I further certify that I am not of counsel or  
9 attorney for either of any of the parties in the  
10 foregoing proceeding and caption named or in any way  
11 interested in the outcome of the cause in said caption.

12 The dismantling, unsealing, or unbinding of  
13 the original transcript will render the reporter's  
14 certificates null and void.

15 In witness whereof, I have hereunto set my  
16 hand this day: July 6, 2012.

17 \_\_\_X\_\_\_ Reading and Signing was requested.

18 \_\_\_\_\_ Reading and Signing was waived.

19 \_\_\_\_\_ Reading and signing was not requested.

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GINA V. CARBONE

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